

during the telephonic interview of August 20, 2004, and submit herein in connection with arguments presented, a recordation of the substance of the interview.

### **REJECTIONS OF THE CLAIMS**

#### **Rejections under 35 U.S.C. § 112 (¶ 1)**

##### ***Scope of Lack of Enablement, and Lack of Enablement***

The Examiner has rejected claims 22 and 27 – 29 under 35 U.S.C. § 112 (first paragraph) for alleged lack of enablement, and for alleged lack of enablement commensurate in scope with the claims. In connection with both rejections, the Examiner emphasized that he perceived a lack of evidence that distance geometry is widely practiced in the art, beyond the citation in Applicant's specification to a review article by Blaney *et al.* ("Blaney").

Specifically, the Examiner notes "that only one alleged distance geometry calculation has been pointed to or argued by applicant as set forth in Blaney *et al.*" and therefore that Blaney allegedly does not enable the full scope of the claim. The Examiner additionally alleges that "Blaney *et al.* ... is utilized in the instant disclosure as incorporating by reference essential subject matter". In particular, the Examiner considers that "only one methodology for constructing matrix G from D has been argued as being set forth in Blaney *et al.* ... albeit with allegations of others [which] have not been supported by any documentary evidence or other facts."

Applicant respectfully traverses these rejections on the grounds that distance geometry has a wider purview in the art than has hitherto been supported by a reference to Blaney alone, and supports this premise with a number of literature publications, excerpts from text books, and descriptions of published computer programs for carrying out distance geometry calculations.

In a telephonic interview with Applicant's representatives, August 20, 2004, the Examiner reiterated his position that the instant claims are enabled only for distance geometry as described in Blaney and that the alleged lack of enablement could be cured by amending the specification to incorporate the relevant portions of Blaney therein. However, in response to Applicant's representatives' arguments that Blaney is not essential matter because distance geometry is well known in the art, the Examiner volunteered that he would consider factual support for such a premise, such as "half a dozen articles that refer to distance geometry."